

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

OP.No. 25391 of 1999(W)

PETITIONER:

**KUNJOLAN, S/O.RAYIN, MADARIKUZHIYIL HOUSE,
VELLAYICODE PO., PANTHEERANKAVU
KOZHIKODE.**

**BY ADV. SRI.A.K.SURESH
SRI.THAMPAN THOMAS**

RESPONDENTS:

- 1. UNION OF INDIA, REP.BY ITS SECRETARY,
FOR AGRICULTURAL DEPARTMENT NEW DELHI.**
- 2. STATE OF KERALA , REP.BY THE CHIE SECRETAR,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 3. THE SECRETARY TO GOVERNMENT,
AGRICULTURAL (PLANNING A) DEPARTMENT,
THIRUVANANTHAPURAM.**
- 4. THE KOZHIKODE PRIMARY CO-OPERATIVE
AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD.
NO.4362. MUKKOM, KOZHIKODE.**
- 5. THE KOZHIKODE PRIMARY CO-OPERATIVE AGRICULTURAL
AND RURAL DEVELOPMENT BANK LTD. NO.4362,
HEAD OFFICE, KOZHIKODE , REP.BY ITS SECRETARY.**

**BY ADV. SRI.K.P.DANDAPANI – R4 & R5
GOVERNMENT PLEADER SRI.K.V.MANOJ R2 & R3**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP. NO. 42757/1999 IN OP. NO.25391/1999

DISMISSED

31.07.2007

SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AGRICULTURAL AND DEBT RELIEF SCHEME, 1990 BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE CERTIFICATE DT. 19.6.92 ISSUED BY CANARA BANK, OLAVNNA, KOZHIKODE TO SHRI.N.VELAYUDHA KURUP.

EXT.P3:- COPY OF THE DEMAND NOTICE DT. 6.2.89 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P4:- COPY OF THE PROMISE OF INTEREST SUBSIDY PRINTED ON THE PASS BOOK OF THE PETITIONER.

EXT.P5:- COPY OF THE ORDER DT. 4.8.94 IN CMP. NO.19001/94 IN OP. 10652/94 OF THE HONOURABLE HIGH COURT.

EXT.P6:- COPY OF THE ORDER DT. 10.3.95 IN CMP. 19001/94 IN OP. 10652/94 OF THE HONOURABLE HIGH COURT.

EXT.P7:- COPY OF THE REGISTERED NOTICE DT. 9.9.99 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.R4(1):- COPY OF THE DETAILED CALCULATION STATEMENT.

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

=====

O.P.No.25391 of 1999-W.

=====

Dated this the 31st day of July, 2007.

J U D G M E N T

The petitioner herein is a member of the 4th respondent Co-operative Bank. The petitioner is a small scale agriculturist. The 4th respondent Bank had been granting various benefits under the scheme named “SADU”. The petitioner was an applicant for a loan under the above scheme. It is the case of the petitioner that he was discriminated in the grant of SADU and the Co-operative Bank was not extending the benefits declared by Government as per the scheme. The writ petition is filed mainly for a direction to quash Ext.P7 notice issued by the Co-operative Bank claiming the balance amount due under the transaction in question.

2. The respondents have filed counter-affidavits. In the counter-affidavit filed on behalf of respondents 4 and 5 it is averred that the petitioner had availed a loan of Rs.20,000/- by offering security of 2.85 acres of land to the SADU Scheme. The specific purpose for which the loan sanctioned was coconut rehabilitation including land development. The amounts were being realised to him on various dates. It is also averred that the petitioner has been

granted interest subsidy of 5% as allowed by the State Government for the prompt payment of instalments during the period from 1.3.1986 to 1.3.1989. It is also pointed out that the petitioner was not eligible to the benefit of Agricultural and Rural Debt Relief Scheme of 1990 as there was no default by the petitioner from 1.3.1990. The counter-affidavit shows that the Bank has not received any subsidy from the Government through SADU for payment of loan.

3. The contention raised by the petitioner that the demands made is barred by limitation is not correct, contends the respondents 4 and 5. Therefore, the question is to be considered whether the petitioner is entitled to the benefits under the SADU scheme. Going by the counter-affidavit, the petitioner is not entitled to any further benefit as the Bank has complied with the stipulations of the scheme in its letter and spirit. The demand notice Ext.P7 is only one issued showing the balance amount. Therefore, the petitioner will have to clear off the loan as demanded by the Bank. As per the interim order dated 12.10.1999 this Court was pleased to grant interim stay of Ext.P7. Therefore, if the petitioner remits the entire amount as on today to clear off the loan within a period of three months from today, no further steps will be initiated by the Bank. If no payment is made within the said period, respondents 4 and 5 will be at liberty to proceed with the recovery steps as

per the provisions of the Kerala State Co-operative Agricultural and Rural Development Bank Act, 1984.

With the above observations, the writ petition is disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-